THE HON'BLE SMT JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.11597 of 2006

Dated: 22.06.2006

Between:

Maganti Chennamma, W/o M. Kondaiah,
Aged 43 years, R/o D. No.13-3-643,
Srinivasa Nagar, Anantapur, Anantapur District.

..... PETITIONER

AND

The Superintendent of Police, Anantapur,
and another.

Respondents.

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WRIT PETITION NO.11597 of 2006

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed by the petitioner questioning the action of the respondents in illegally detaining Maganti Kondaiah, her husband since 05-06-2006, on which date he had been illegally taken away by the Inspector of Police, II Town Police Station, Anantapur. She, therefore, prays that appropriate directions be issued to the respondents to set him free.

A counter affidavit has been filed by the 2nd respondent stating that the alleged detenu is not required in connection with any crime registered or pending on the file of II Town Police Station, Anantapur. As such, they have no occasion to apprehend him either on 05-06-006 or on any other subsequent date and therefore, they denied the allegation that the alleged detenu was illegally detained by them. The other allegation of the petitioner that immediately on 05-06-2006 at about 2.00 P.M., she rushed to the police station and was informed by the police that they were enquiring into a case and that her husband (alleged detenue) would be sent back in the evening was also denied. It is however stated that after receipt of communication from the office of the Advocate General, the answering respondent caused enquiries into the matter and came to know that the alleged detenu is moving freely. Further, when the answering respondent produced the alleged detenu

before the Mandal Executive Magistrate (Tahsildar), Anantapur, the alleged detenu has stated to him that on 05-06-2006, he had been to Nagpur along with sweet lime load, without informing his wife (petitioner herein) and returned to Anantapur on 11-06-2006. He is moving freely in the village and his wife thinking that he was taken into custody by the police illegally, has filed the present writ petition. The statement of the alleged detenu, which was recorded by the learned Magistrate is also filed before this Court. In the circumstances, the respondents prayed that the writ petition be dismissed.

In view of the averments made in the counter-affidavit, no further orders are required to be passed in the writ petition and the writ petition is accordingly dismissed.

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T. MEENA KUMARI,J

Date: 22.06.2006

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N.V. RAMANA,J

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